

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY
LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

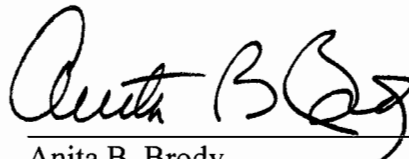
THIS DOCUMENT RELATES TO:

Hon. Anita B. Brody

ALL OPT OUT PLAINTIFFS (*see Attachment
A for a complete list of actions involving Opt
Out Plaintiffs*)

ORDER

AND NOW, on this 25th day of May, 2016, it is **ORDERED** that Wendy
Fleishman, Esq. is designated Opt Out Coordinating Counsel in order to promote the efficient
administration of pretrial proceedings. *See Fleishman's attached CV.*



Anita B. Brody
United States District Court Judge

Copies **VIA ECF** on _____ to:

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ATTACHMENT A

List of Pending Actions in MDL No. 2323 Involving Opt Out Plaintiffs

1. *Abdullah, et al. v. NFL, et al.* (12-cv-6774)
2. *Adams, et al. v. NFL, et al.* (13-cv-7661)
3. *Alexander, et al. v. NFL, et al.* (12-cv-1923)
4. *Allen, et al. v. NFL, et al.* (13-cv-5439)
5. *Anderson, et al. v. NFL, et al.* (13-cv-2325)
6. *Anderson, et al. v. NFL, et al.* (13-cv-5206)
7. *Andrews, et al. v. NFL, et al.* (12-cv-4632)
8. *Baggs, et al. v. NFL, et al.* (13-cv-5309)
9. *Bailey, et al. v. NFL, et al.* (12-cv-5372)
10. *Ballard, et al. v. NFL, et al.* (13-cv-2244)
11. *Bauman, et al. v. NFL, et al.* (12-cv-4576)
12. *Boyd, et al. v. NFL, et al.* (12-cv-0092)
13. *Brister, et al. v. NFL* (12-cv-3693)
14. *Brodie, et al. v. NFL, et al.* (12-cv-0861)
15. *Budness, et al. v. NFL, et al.* (13-cv-5078)
16. *Cherry, et al. v. NFL* (12-cv-4121)
17. *Culpepper, et al. v. NFL, et al.* (12-cv-2490)
18. *Demarie, et al. v. NFL, et al.* (13-cv-7659)
19. *Douglass v. NFL, et al.* (13-cv-7376)
20. *Duckworth, et al. v. NFL, et al.* (13-cv-4231)
21. *Everitt, et al. v. NFL, et al.* (12-cv-0731)
22. *Finn, et al. v. NFL* (12-cv-1034)
23. *Foreman, et al. v. NFL, et al.* (12-cv-4160)
24. *Garner, et al. v. NFL, et al.* (12-cv-4634)
25. *Gayle v. NFL, et al.* (12-cv-5212)
26. *Hairston, et al. v. NFL, et al.* (12-cv-0989)
27. *Hannah, et al. v. NFL, et al.* (12-cv-3379)
28. *Henderson, et al. v. NFL, et al.* (12-cv-3534)
29. *Holt, et al. v. NFL, et al.* (12-cv-4185)
30. *Hopkins, et al. v. NFL, et al.* (12-cv-1239)
31. *Horn, et al v. Kansas City Chiefs Football Club, Inc. Football Club, Inc.* (14-cv-3382)
32. *Hostetler, et al. v. NFL, et al.* (12-cv-2199)
33. *Hughes, et al. v. NFL, et al.* (12-cv-1423)
34. *Jani, et al. v. NFL, et al.* (14-cv-2064)
35. *Jones, et al. v. NFL* (12-cv-1027)
36. *Jordan, et al. v. NFL* (12-cv-2802)
37. *Kenney, et al. v. Kansas City Chiefs Football Club, Inc.* (14-cv-4779)
38. *Lewis, et al. v. Kansas City Chiefs Football Club, Inc.* (14-cv-1995)
39. *Little, et al. v. NFL, et al.* (12-cv-2219)
40. *Monk, et al. v. NFL, et al.* (12-cv-3533)
41. *Morris, et al. v. NFL, et al.* (12-cv-5210)
42. *Morton v. NFL, et al.* (13-cv-7660)

43. *Parrish v. NFL, et al.* (12-cv-1700)
44. *Pear, et al. v. NFL, et al.* (12-cv-1025)
45. *Pugh, et al. v. NFL, et al.* (12-cv-1165)
46. *Richter, et al. v. NFL, et al.* (12-cv-6369)
47. *Scroggins v. NFL* (16-cv-2058)
48. *Seau, et al. v. NFL, et al.* (13-cv-1531)
49. *Seau, et al. v. NFL, et al.* (13-cv-1532)
50. *Simmons, et al. v. NFL, et al.* (13-cv-6354)
51. *Smith, et al. v. Arizona Cardinals Football Club, LLC* (16-cv-1704)
52. *Smith, et al. v. Kansas City Chiefs Football Club, Inc.* (14-cv-3383)
53. *Stabler, et al. v. NFL, et al.* (12-cv-4186)
54. *Steed v. NFL, et al.* (12-cv-1026)
55. *Sweet, et al. v. NFL, et al.* (12-cv-7214)
56. *Wisniewski, et al. v. NFL, et al.* (12-cv-4187)

WENDY FLEISHMAN, ESQUIRE
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
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New York, New York 10013-1413
(212) 355-9500
wfleishman@lchb.com

PROFESSIONAL EXPERIENCE

2001 – Present **LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP**
New York, New York

Partner – Specializing in Mass Torts/Products Liability Litigation, Medical Device and Pharmaceutical Litigation, Individual Catastrophic injury cases and Consumer Fraud Class Actions. Professional experience includes:

Plaintiffs' Co-Lead Counsel, *In re: Stryker Rejuvenate and ABG II Products Liability Litigation*, MDL No MDL No. 13-2441 (DWF/FLN) (DMN);

Plaintiffs' Co-Liaison Counsel, *In re: Zimmer Durom Cup Hip Implant Products Liability Litigation*, MDL No. 2158 (SDW) (DNJ)(Newark);

Plaintiffs' Steering Committee, *In re: Zofran/Ondanestron Products Liability Litigation*, MDL No. 2657 (D.Mass.)(Boston);

Plaintiffs' Steering Committee, *IN RE: Bard IVC Filters Products Liability Litigation*, MDL No. 2641 (D. Az)(Phoenix);

Plaintiffs' Steering Committee, *In re: DePuy Orthopaedics, Inc. ASR Hip Implant Products Liability Litigation*, MDL No. 2197 (NDOH) (2010);

Plaintiffs' Liaison Counsel, New Jersey Mass Tort Program, *In re: Reglan Product Liability Litigation* (NJ Superior Ct., Atlantic Cty) (2010);

Plaintiffs' Liaison Counsel, Coordinated New Jersey *Ortho Evra Patch Products Liability Litigation* (NJ Superior Ct., Middlesex Cty);

Plaintiffs' Executive Committee and Plaintiffs' Liaison Counsel, *Coordination Special Proceedings In re: Complete Cases*, No. JCCP 4521 (CA Superior Ct., Orange Cty);

Plaintiffs' Executive Committee *In re: Bausch & Lomb Renu MoistureLoc Products Liability Litigation*, MDL No. 1785 (DSCa);

Plaintiffs' Steering Committee, *In re: Medtronic Sprint Fidelis Products Liability Litigation*, MDL No. 08-1905 (RHK/JSM) (DMN);

Co-Chair of Discovery Committee, *In re: Guidant Defibrillator Products Liability Litigation*, MDL No. 05-1708 (DWF/AJB) (D. MN); and,

Plaintiffs' Steering Committee, Co-Chair Science and Experts Committee, Trial Team, Briefing Team and Discovery Team, *In re: Baycol Products Liability Litigation*, MDL No. 1431 (DMN).

1993 – 2001

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
New York, New York

Counsel - Mass Torts and Complex Litigation. Defense of international and national class actions involving complex corporate management issues, corporate and consumer fraud claims, sales and marketing of insurance and financial products, products liability and other tort defense practice concerning defense of claims ranging from effects of nuclear radiation, products liability ranging from pharmaceutical products, over-the-counter "drug" products, blood products, food substances, and environmental agents, including lead.

Practice areas included the defense of fraud in insurance sales practices, and defense of corporations in connection with securities claims in connection with mergers and acquisitions.

1987 – 1993

FOX, ROTHSCHILD, O'BRIEN & FRANKEL
Philadelphia, Pennsylvania

Partner - Litigation Department. Chair of the Personal Injury Practice. Trial Practice: concentration in the areas of products liability, toxic tort, medical malpractice, legal malpractice defense, and white collar criminal defense. Tried several jury trials and non-jury trials on behalf of the firm's clients in matters ranging from employment discrimination, blood products coverage, medical malpractice, products liability, environmental hazards, contract disputes, and criminal matters in state and federal courts in Pennsylvania, Maryland and New Jersey. Argued before appellate courts in Pennsylvania and Maryland. Additionally, represented defendants in white collar criminal matters in negotiations with federal agencies. Member of the Law Firm Ethics Committee.

1986 – 1987

LAWRENCE EVANS GRANT ASSOCIATES, P.C.
Paoli, Pennsylvania

Associate - Six-lawyer plaintiffs' personal injury practice specializing in medical malpractice, legal malpractice, toxic tort and product liability matters.

1984 – 1987

BALLARD, SPAHR, ANDREWS & INGERSOLL
Philadelphia, Pennsylvania

Associate - Litigation Department. Trial work involving contract, tort and white collar criminal matters. Most notably represented the plaintiffs in a product liability action in which the jury returned a \$5 million verdict;

represented banks in a \$20 million judgment creditor action. Tried construction and commercial contract disputes; defended federal and state criminal matters. Represented corporate clients in defense of federal governmental agency prosecutions.

1977 – 1981 **ASSISTANT DISTRICT ATTORNEY FOR THE COMMONWEALTH
OF PENNSYLVANIA, THE CITY OF PHILADELPHIA**

1982 – 1984 Homicide and Rape Units - Senior Trial Attorney. Prosecuted more than fifty major homicide and rape trials. Argued before the Pennsylvania Supreme and Superior Courts. Prosecuted bench felony and misdemeanor trials, specially assigned narcotics cases and preliminary hearings and motions. Lectured at Hahnemann Medical College, University of Pennsylvania Law School, University of Villanova Law School, area hospitals and various community groups as a representative of the District Attorney's office.

**PROFESSIONAL ASSOCIATIONS,
LECTURES AND ARTICLES**

Professional Associations and Awards

New York State Academy of Trial Lawyers, Officer 2011 - 2015

Immediate Past President, Section on Torts, Environmental Products Liability Litigation,
American Association for Justice

American Bar Association, Class Actions & Derivative Suits Committee-Pharmaceutical &
Health Subcommittee 2010

AAJ Advocate, Advocacy's Achievement Recognition Program, September 2010

Federal Bar Council Member, 2011 – present

Best Attorneys of America, 2015

Fellow of the American Bar Foundation, 2015 - present

2012 - 2016 Benchmark Plaintiff Award

2012-Present, SuperLawyer

2014-Present Best Attorney, Life Time member

Top 100 Trial Attorneys in America

American Association for Justice, Women Trial Lawyers delegate to the Board of Governors.
2015- present

American Association for Justice, New York Delegate to the Board of Governors, 2012-2014

American Association for Justice, STEP President, 2013 – 2014;

American Association for Justice, STEP Executive Committee, 2009-present

New York State Trial Lawyers Association, Board of Directors (2004- 2009)

New York State Trial Lawyers, Officer (2010-2014)

NYSTLA, Mass Torts Committee, 2008 –2015

NYSTLA, Co-Chair Women's Caucus, 2008-2014

Lectures and Publications

HarrisMartin's Talcum Powder Ovarian Cancer Litigation Conference: Ovarian Cancer and Talcum Powder, May 17, 2016

Mass Torts Judicial Forum with Hon. Marina Corodemus (ret.) – Settling Strategies for MDLs, April 15, 2016

HarrisMartin's MDL Conference: Morcellator, Fluoroquinolone (FLQ) and Invokana Litigation – Laparoscopic Power Morcellators *Failure to Warn*, September 30, 2015

ALI CLE: The Jurisdiction Game in Class Actions and Mass Torts: Removal, Remand and the Battle to Pick (and Stick With) A Chosen Forum, December 5, 2014

AAJ: Stryker Rejuvenate, December 2014

Strafford Live CLE Webinars: False Advertising Consumer Class Actions: Navigating Complex Issues of Standing, Damages, CAFA Removal and More, July 8, 2014

Harris Martin's Mass Tort Litigation Conference with Judge Marina Corodemus (Ret.): Settlement v. Trial – Coordination, Conflicts & Committees (Panel Discussion), April 4, 2014

British Institute of International and Comparative Law's Oral Contraceptives-Medical, Regulatory and Legal Perspectives Product Liability Forum: US Case Law & Regulatory Background, November 12, 2013

AAJ Convention: Partnering Up: Leveraging Your Assets as a Woman or Minority to Enter a New Realm – Medical Devices and Pharmaceuticals, July 22, 2013

NYSTLI Nursing Home Seminar: Qui Tam actions for Nursing Homes, June 19, 2013

Harris Martin Conference: Lessons Learned from IUD Litigation, March 20, 2013

Harris Martin's MDL Litigation Conference: Compounding Pharmacy Fungal Meningitis Claims, January 30, 2013

ALI CLE – International Discovery: Understanding and Dealing with Foreign Discovery Requirements (Panel Discussion), November 13, 2012

MDL Conference: Biomet and Metal-on-Metal Hip Implant Litigation -- Zimmer Durom, September 19, 2012

Thomson Reuters and HB Litigation Conferences Present - Masters of the Courtroom: Elite Trial Attorneys Share Their Methods, July 12, 2012

National Complex Litigation Conference: A Symposium on Current and Emerging Issues -- Litigation in Active State Court Jurisdictions, June 27, 2012

Mass Tort Litigation Conference with Judge Marina Corodemus (Ret.)- DOJ Prosecution of Fraud and Kick-Back Foreign Governments, June 4, 2012

Washington & Lee Law School, Professional Responsibility, February, 2012

Mass Torts Made Perfect Presents: Actos and Pelvic Mesh Litigation Update, A Plaintiffs Only Forum, February 8, 2012

Judicial Teleconference Series with Hon. Marina Corodemus – CPSA -- Buyer Beware, October 5, 2010

The Do's and Don'ts of Taking and Defending Depositions of a Party Deponent, July, 2010, AAJ Presentation, July 2010

AAJ Presentation, "Practice Tips I Wish I'd Known from the Beginning," July 10, 2010.

AAJ Presentation, "Heart Devices," July 10, 2010

AAJ Presentation. "Diffusing the Defense While Making Your Case Through Expert Testimony"

American Bar Association, Pharmaceutical Litigation, November 14, 2009, Nutley New Jersey

Presentation, "The Ethical Considerations incident to State and Federal Mass Tort Coordination", AAJ, San Francisco, CA 2009

Presentation, New York State Trial Lawyers, Three Part Panel Program, "Mass Torts: State and Federal Issues", New York, New York 2009

Presentation, Bar of the Association of the City of New York, Products Liability Committee, "*Post-Reigel v. Medtronic, Inc.*: the State of the Law", New York, New York, Spring 2009

American Bar Association, Women in Product Liability Law, New York, New York Spring 2008

Presentation, "The Advantages or Disadvantages of Trying a Mass Tort or Class Action in Stages", A Regional CLE Workshop on Mass Torts and Class Actions Involving Toxic Torts & Chemical and Industrial Products, September 18, 2008, Wilmington, Delaware

Proving and Defending Damages Claims, a Fifty State Survey, Wolters Kluwer/ Aspen Publishers (2007), and Supplement (2008); (2009); (2010)

American Bar Association, Pharmaceutical Litigation, "Ethics of Investigations"
November 14, 2007, Nutley, New Jersey

Second Conference on Drug and Medical Device Litigation, "Effectively Managing Mass Tort Litigation and Class Actions", October 26, 2007 New York, New York

AAJ Presentation, Expert Witness/Daubert Litigation Group, Summer, 2007

Chair, Mealey's Drug & Device Conference, Spring 2007

Member, Association of the Bar of the City of New York, Product Liability Committee

Mealey's Products Liability Advisory Board (2006 – 2007)

American Bar Association, Products Liability Committee, "Current Issues in Pharmaceutical Litigation and Policy" November 16, 2006

Women in Products Liability, American Bar Association, "Ethics of Trial Litigation"
September 14, 2006

New York Superlawyer Award, 2006 through 2011

Mealey's Heart Device Litigation Teleconference, July 21, 2005

New York State Trial Lawyers, Chaired Three Part Series, Rainmaking for Women Attorneys (2004-2005)

Association of the Bar of the City of New York, Judiciary Committee (2004- 2007)

Brooklyn Law School, Guest Faculty, Complex Litigation and Business Crimes (2000-2006)

National Institute for Trial Advocacy, Faculty, New York Law School (2000- 2005)

American Bar Association, Vice Chair, Trial Techniques, TIPS (2002- 2005)

National Institute Trial Advocacy, Federal Rules of Appellate Procedure (2002)

Scientific Evidence, Supplement (2001)

Scientific Evidence, *The Defense Perspective*, ed., Brown, J., Aspen Law Pub. (2000)

2000 - Affair Chair, ABA Annual Meeting, Torts & Insurance Practice Section, NYC

2000, London TIPS, Faculty Development of Program on Comparative Trial Advocacy

1999- Faculty, National Institute for Trial Advocacy, Trial Techniques, Rutgers Law School

1999 - Faculty, Trial of the 21st Century: The Visual Trial, Atlanta, ABA Annual Meeting

1999, Co-Author, Scientific Evidence, Chapter 6, *From the Defense Perspective*, Aspen Law Pub.

1998-99 - Chair, Practising Law Institute, How To Commence a Civil Action, a Three- Part, Twelve-Hour Series.

1998 - Chair, Women as Trial Advocates, New York, New York Two-Day Presentation

1997 - Chair, Trial Techniques Committee, Tort & Insurance Practices, American Bar Association

1996 - Chair Elect, Trial Techniques Committee, Tort & Insurance Practices, American Bar Association

Faculty, Rutgers Law School, Intensive Trial Advocacy Program, May 1997

Faculty, National Institute for Trial Advocacy, Deposition Skills, Rutgers Law School, July, 1996

Faculty, National Institute for Trial Advocacy, Trial Techniques, Rutgers Law School, March, 1997

Faculty and Planning Committee, Practising Law Institute, "First Annual Civil Litigation Institute," March, 1997

Faculty, National Institute for Trial Advocacy, Trial Techniques, Skadden, Arps, New York, Spring, 1996

Faculty, National Institute for Trial Advocacy, Trial Techniques, Rutgers Law School, February, 1996

Faculty, Mealey's Conference on Lead Liability, 1996

Practising Law Institute, Products Liability Advisory Committee, (1993 – present)

Chair, Practising Law Institute Program, "Tort Updates", Telecast September 21, 1995 to Seventy Satellite Cities

New York State Trial Lawyers Association, Faculty, "Proving a Design Defect", April, 1995

American Bar Association, Editor, Trial Techniques Newsletter, Tort and Insurance Practices Section, 1995-1996; and 1993-1994

American Bar Association Torts and Insurance Practices Section, Trial Techniques Committee, Vice Chair, 1993-1994 and August, 1995-1996

Member, Gender and Race Bias Task Force of the Second Circuit, 1994-present

Deputy Counsel, Governor Cuomo's Screening Committee for New York State Judicial Candidates, 1993-1994

Faculty, Practising Law Institute, "Proving the Slip and Fall Case," May, 1993

Faculty, Pennsylvania Bar Association, "Continuing Legal Education, Ethics: Attorney Solicitation and Advertising", Fall, 1992

Pennsylvania Bar Association, Committee on Legal Ethics and Professionalism, (1993-present)

Pennsylvania Bar Association, Committee on Attorney Advertising, (1993-present)

Vice-Chair of the Pennsylvania Bar Association Task Force on Attorney Advertising, 1991-1992

Member of Committee on Professionalism, Philadelphia Bar Association, 1991-1992

Faculty, and National Institute for Trial Advocacy, Temple University School of Law, 1991

Participant Faculty, Temple University School of Law Trial Advocacy Program, 1990-1992

Faculty, Pennsylvania Trial Lawyers Association, "Cross-Examination of Medical Experts in Multiple Plaintiffs' Toxic Tort Cases," July, 1990

Faculty, Philadelphia Bar Association, Trial Advocacy Program, 1990

Lecturer on Mammography and Medical Malpractice for the Mammography Society, 1989

Faculty, Philadelphia Trial Lawyers Association, "Use of Videotape in the Courtroom", 1989

Faculty, Temple University Trial Advocacy Program for Practitioners, "Proving Damages at Trial", 1989

Member of the American Bar Association, Pennsylvania Bar Association, New York State Bar Association, Federal Bar Association and New York Women's Bar Association.

EDUCATION

1981 – 1983 UNIVERSITY OF PENNSYLVANIA POST-BACCALAUREATE PRE-HEALTH PROGRAM

Completed all requisite courses in the pre-medical curriculum. Volunteer Extern, Hospital of the University of Pennsylvania, Melanoma Clinic, Obstetrics-Gynecology High Risk Clinic, and Wednesday Ob-Gyn Open Clinic. Contributed to medico-legal research projects on pain maintenance, consent forms and alternatives to standard medical treatment of cancer.

1974 – 1977 TEMPLE UNIVERSITY SCHOOL OF LAW, Juris Doctorate

Dean's List; graduated top 5%

Legal Intern, Summer, 1976, Philadelphia District Attorney's Office

Legal Intern, September 1974 - April 1976, United States' Attorney's Office,
Eastern District of Pennsylvania, Civil Division

Summer, 1975, 1975, Temple University School of Law, Rome, Italy,
Comparative International Law Program

1971 – 1974 **SARAH LAWRENCE COLLEGE, Bachelor of Arts**

COMMUNITY SERVICE

Judiciary Committee, Association of the Bar of the City of New York, 2004 - 2007

Board of Directors, Women's Way, Philadelphia, PA

Board of Directors, Women Organized Against Rape, Philadelphia, PA

Co-Chair of the Young Lawyers Division of United Federation of Jewish Charities Victim
Assistance Project, New York, New York

Pro Bono criminal defense in matters throughout the U.S., particularly in Alabama and New
York, life without parole and mandatory minimum cases, 1993-2001